IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicants:	Peter A. Goode et al.	§	Art Unit:	3671
		§		
Serial No.:	09/920,895	§		
		§	Examiner:	Thomas A. Beach
Filed:	August 2, 2001	§		
		§		
Title:	WELL HAVING A SELF-CONTAINED INTERVENTION SYSTEM	§	Docket No.	22.1410 (SHL.0114US)

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Dear Sir:

Applicant submits the following reply to the Examiner's Answer.

I. CLAIMS APPEALED

The application was originally filed with claims 1-24. Claims 10-13, 25, 26, 28, 29, 44-48, 50 and 51 have been finally rejected and are the subject of this appeal.

Date of Deposit: April 13, 2006
I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to Mail Stop **Appeal Brief-Patents**, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Janice Munoz

II. REPLY TO EXAMINER'S ARGUMENTS

The Examiner still fails to show where Kilgore allegedly redefines the term "free fall" to mean the descent of a tool in the absence of any counter flow. Thus, the Examiner still fails to show where Kilgore allegedly teaches the acts of allowing and resuming of claims .

More specifically, in support of the Examiner's interpretation of "free fall," the Examiner makes references to the language in lines 59-62 in column 5 and lines 64-67 in column 6. Examiner's Answer, 4. However, the cited language merely recites the word "free fall" without providing further guidance on the meaning of this term. Reference is also made to lines 5-7 of column 5, which merely recites that the well includes a master valve 220, a safety feature of any modern well. However, there is no teaching or implication in Kilgore that the master valve 220 is shut off during the descent of a tool into the well and then opened to retrieve the tool.

As pointed out in the Appeal Brief, Kilgore's Background section discloses that the cross-sectional diameter of a tool may be expanded to permit well pressure to carry the tool back to the surface. This is no way, however, redefines "free fall," but rather, to the contrary, implies that a counter flow is always present. Furthermore, in lines 40-43 in column 2 of Kilgore, Kilgore describes a plunger that is allowed to "free fall" and then return to the surface via gas in the well that lifts the plunger. Thus, contrary to the position that is taken by the Examiner, Kilgore explicitly teaches that "free fall" does not necessarily mean that the flow in the well is halted.

The Examiner discredits the above-referenced language cited by the Applicant by stating that the language in Kilgore's Background section is not directed to Kilgore's invention. However, there is no language in Kilgore in the Detailed Description section or

elsewhere, which suggests that "free fall" has been redefined for purposes of Kilgore's invention relative to the use of this language in the Background section. Furthermore, Kilgore does not discredit the tool deployment mechanisms described in its Background section relative to how the tools descend and ascend in the well. Rather, Kilgore states that the systems that are described in the Background section fail to address automatic selection and appropriate tool selection. Kilgore, 2:52-54.

To summarize, in order for Kilgore to anticipate the claims, Kilgore must explicitly or inherently teach the acts of allowing a tool to free fall in a well while fluid in the well is halted and resuming the flow to retrieve the tool. However, it has not been shown where Kilgore allegedly teaches or suggests these acts. The missing acts are not inherent in Kilgore, for at least the reason that Kilgore teaches an alternative to the missing claim limitations: controlling the cross-sectional flow area of a tool (and not the well flow) to control when the tool ascends to the surface of the well.

As such, Applicant maintains that the § 102 rejections of claims 10-13, 25, 26, 28, 29, 44-48, 50 and 51 are improper and should be reversed. The Commissioner is authorized to charge any fees or credit any overpayment to Deposit Account No. 20-1504 (SHL.0114US)

Respectfully submitted,

Date: April 13, 2006

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APPENDIX OF CLAIMS

The claims on appeal are:

10. A method comprising:
halting the flow of fluid in a well;
deploying a tool from within the well while the fluid is halted;
allowing the tool to free fall in the well while the fluid is halted; and
resuming the flow to retrieve the tool.

11. The method of claim 10, further comprising:
introducing a delay to allow the tool to reach a given depth.

12. The method of claim 10, further comprising:
using the tool to measure a property of the well at a predetermined depth.

25. The method of claim 10, further comprising:
using the tool to perform a test in the well.

26. The method of claim 10, further comprising:
using the tool to take a corrective action in the well.

27. The method of claim 10, further comprising:
triggering the halting in response to a periodic timer.

28. The method of claim 10, further comprising:
triggering the halting in response to a command.

29. The method of claim 10, further comprising:

triggering the halting in response to a previous measurement indicating intervention is needed in the well.

44. A method comprising:

halting the flow of fluid in a well;

deploying a tool from within the well while the fluid is halted;

allowing the tool to free fall in the well while the fluid is halted;

using the tool to measure a property of the well; and

resuming the flow to retrieve the tool.

45. The method of claim 44, further comprising:

introducing a delay to allow the tool to reach a given depth.

46. The method of claim 44, further comprising:

using the tool to measure the property of the well at a predetermined depth.

47. The method of claim 44, further comprising:

using the tool to perform a test in the well.

48. The method of claim 44, further comprising:

using the tool to take a corrective action in the well.

49. The method of claim 44, further comprising:

triggering the halting in response to a periodic timer.

50. The method of claim 44, further comprising:

triggering the halting in response to a command.

51. The method of claim 44, further comprising:

triggering the halting in response to a previous measurement indicating intervention is needed in the well.